

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1, 6-10, 14, 43-47, 70-72) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially the Examiner withdrew claims 1, 2, 6-10, 14, 47 and 50 apparently because claim 1 as previously amended required a computer navigation means. Applicants have deleted this limitation from claim 1 and submit that all of the claims are now drawn to a device comprising a guide and alignment means.

Applicants have amended the claims to more particularly claim the structure of FIGS. 11 and 12 which disclose a track extending in a plane perpendicular to the longitudinal bore of the split tubular guide 12. Applicants have also claimed the ability to lock the instrument in position utilizing five cam locks which includes a fourth cam lock for locking a fifth cam lock element in the guide track. This cam lock is described on page 15 of the specification as medial-lateral cam lock 20.

The Examiner has rejected the claims as being obvious over Fishbane U.S. Patent No. 5,122,145. In his response to the previously submitted arguments, the Examiner states that the Fishbane structure is capable of satisfying the claim structure.

Applicants see no structure in Fishbane which allows the cylindrical pin guides 14 to be moved in a plane perpendicular to the longitudinal axis of cylindrical portion 20. Since there is no such structure there can be no suggestion of a fourth cam lock to fix the guide as claimed. Furthermore, Applicants have claimed a fifth cam lock system for locking a guide slidable in a plane both parallel to the plane of the track and perpendicular to the longitudinal axis of the first split tubular member bore.

If the Examiner believes the structure of Fishbane can be used or has the structure claimed, Applicants would respectfully request the Examiner point out the specific teachings of Fishbane which suggests the amended claims.


As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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